

# United States District Court, Northern District of Illinois

Name of Assigned Judge or Magistrate Judge	Milton I. Shadur	Sitting Judge if Other than Assigned Judge	
CASE NUMBER	01 C 2099	DATE	10/1/2001
CASE TITLE	Gerald Morris vs. Albertson, Inc. et al		

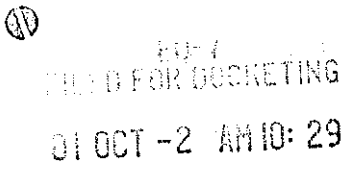
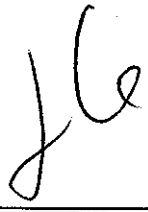

[In the following box (a) indicate the party filing the motion, e.g., plaintiff, defendant, 3rd party plaintiff, and (b) state briefly the nature of the motion being presented.]

## MOTION:

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## DOCKET ENTRY:

(1)	<input type="checkbox"/>	Filed motion of [ use listing in "Motion" box above.]
(2)	<input type="checkbox"/>	Brief in support of motion due _____.
(3)	<input type="checkbox"/>	Answer brief to motion due _____. Reply to answer brief due _____.
(4)	<input type="checkbox"/>	Ruling/Hearing on _____ set for _____ at _____.
(5)	<input type="checkbox"/>	Status hearing[held/continued to] [set for/re-set for] on _____ set for _____ at _____.
(6)	<input type="checkbox"/>	Pretrial conference[held/continued to] [set for/re-set for] on _____ set for _____ at _____.
(7)	<input type="checkbox"/>	Trial[set for/re-set for] on _____ at _____.
(8)	<input type="checkbox"/>	[Bench/Jury trial] [Hearing] held/continued to _____ at _____.
(9)	<input type="checkbox"/>	This case is dismissed [with/without] prejudice and without costs[by/agreement/pursuant to] <input type="checkbox"/> FRCP4(m) <input type="checkbox"/> General Rule 21 <input type="checkbox"/> FRCP41(a)(1) <input type="checkbox"/> FRCP41(a)(2).
(10)	<input checked="" type="checkbox"/>	[Other docket entry] Enter Memorandum Opinion and Order. Jewel's motion to strike is granted in its entirety. (22-2) Third Amended Complaint ¶¶ 13 through 19, 22 through 24 and 26 are stricken.
(11)	<input checked="" type="checkbox"/>	[For further detail see order attached to the original minute order.]

<input type="checkbox"/>	No notices required, advised in open court.		number of notices	<b>Document Number</b>  
<input type="checkbox"/>	No notices required.		10-3-01 date docketed	
<input checked="" type="checkbox"/>	Notices mailed by judge's staff.		 docketing deputy initials	
<input type="checkbox"/>	Notified counsel by telephone.		10/1/2001 date mailed notice	
<input type="checkbox"/>	Docketing to mail notices.		SN	
<input type="checkbox"/>	Mail AO 450 form.		mailing deputy initials	
<input type="checkbox"/>	Copy to judge/magistrate judge.			
SN courtroom deputy's initials		Date/time received in central Clerk's Office		

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

GERALD MORRIS, etc.,

Plaintiff,

v.

ALBERTSON, INC., et al.,

Defendants.

No. 01 C 2099

MEMORANDUM OPINION AND ORDER

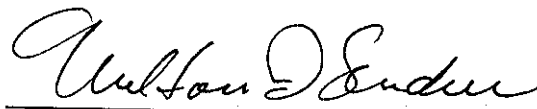
In accordance with this Court's request, counsel for plaintiff Gerald Morris ("Morris") has submitted a list of Seventh Circuit decisions that in his view call for denial of the motion by defendant Jewel Food Stores, Inc. ("Jewel") to strike a host of the allegations in Morris' Third Amended Complaint ("TAC")--TAC ¶¶13 through 19, 22 through 24 and 26--as being impermissibly beyond the scope of Morris' agency-filed Charge of Discrimination. This Court has reviewed that Charge and the TAC in light of the cited authorities, and it finds that Jewel's motion to strike is sound in its entirety.

Accordingly all of the above-referred-to paragraphs of the TAC are indeed stricken. This should not however be misunderstood as necessarily barring the admissibility at trial (or for summary judgment purposes) of evidence as to any of those matters that may qualify for such admissibility under Fed. R. Evid. 404(b)--for example, as bearing upon the issue of Jewel's assertedly race-discriminatory intent in dealing with Morris on

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his still-viable claim.



Milton I. Shadur  
Senior United States District Judge

Date: October 1, 2001